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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 26304 of 1994

1. Sri Nengi Thippaiah
S/o Badaiah
aged about 71 years
Agriculturist
2. Sri N.Thippeswamy
S/o Neeraganti Ningaiah
aged about 41 years

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Both are residents of
Gajganahally Village
Nayakanahatty Hobli
Challakere Taluk
Chitradurga District

.. PETITIONERS

(By Sri B.M.Siddappa, Advocate)

- Vs -

1. Sri Thippaiah S/o Doddaboraiah
2. Sri Dasaiah S/o Doddaboraiah
3. Sri Thippaiah S/o Dasaiah
4. Sri Shankarappa S/o Thippaiah
5. Sri Sannahanumaiah S/o Basaiah
6. Sri Palaiah S/o Dodaiah
7. Sri a.K.yellappa S/o Obaiah
8. Sri Boraiah S/o Sanchalaiah
9. Sri Thippaiah S/o Sanchalaiah
10. Sri Chandranna S/o Pennaiah
11. Sri A.K.Basanna S/o Kariyappa
12. Sri Jayanna S/o Pennaiah
13. Sri A.K.Chowdappa S/o Basaiah

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14. Sri A.K.Basanna S/o Basaiah
15. Sri A.K.Chandranna S/o Hanumanthappa
16. Sri Nagendra S/o Basaiah
17. Sri A.K.Thippeswamy S/o Pennaiah
18. Sri A.K.Durgappa S/o Pennaiah
19. Sri Rudranna S/o Kariyajja
20. Sri Pennaiah S/o Basaiah
21. Sri A.K.Nagappa S/o Hanumanthappa
22. Sri Ganganna S/o Basaiah
23. Sri Sanna Basanna S/o Hanumanthappa
24. Sri A.K.Yellajja S/o Kariyappa
25. Sri Thippaiah S/o Basaiah
26. Sri Doddahanumaiah S/o Basappa
27. Sri Rajanna S/o Thippaiah
28. Smt. Puttamma W/o Hanumanthareddy
29. Sri Ramamurthy S/o Sanjeevappa
30. Smt. Gariramma W/o Gundaboraiah
31. Sri B.Hanumanthareddy S/o Bheemaiah
32. Sri Eswarappa S/o Sanna Palaiah
33. Sri Basavaraj S/o Patel Mallappa
34. Smt. Boramma W/o Thippaiah
35. Sri Basaiah S/o Gowdra Basaiah
36. Sri K.S.Gokeshappa S/o Sanna Palaiah
37. Sri B.Mariyappa S/o Thirumalaiah
38. Sri T.Thimmareddy S/o Thirumalaiah
39. Sri Obaiah S/o Kudala Obaiah
40. Sri T.Yerabalaiah S/o Lolly Thippaiah

41. Sri Nalla Narvaiah S/o Boraiah
42. Sri Dodda Dasaiah S/o G.Kampanna
43. Sri Nagendrappa S/o Jodlu Obaiah
44. Sri Thippaiah S/o Basaiah
45. Sri Boraiah S/o Dasara Obaiah
46. Sri T.Appareddy S/o Thimmaiah
47. Smt. Papamma W/o Sannappa
48. Sri T.Thippeswamy S/o Thimmaiah
49. Sri Huchaaiah S/o Balaiah
50. Sri C.T.Suraiah S/o Palaiah
51. Sri Thippeswamy S/o Kataiah
52. Sri T.Basanna S/o Sanna Thippaiah
53. Sri Thippaiah S/o A.K.Kollarappa
54. Sri N.Surapaiah S/o Mallaiah
55. Sri Sanna Palaiah S/o Suraiah
56. Sri Thippajja S/o Thimmappa
57. Sri Ramanjaneya S/o Honnurappa
58. Smt. Basamma W/o Bheemajja
59. Sri Y.Nagaraja S/o Yellappa
60. Sri Rudramuniyappa S/o Marulappa
61. Sri Thippaiah S/o Hanumanthaiah
62. Sri Kampanna S/o Boramutta
63. Smt. Gangamma W/o Puraji Rajappa
64. Sri Palaiah S/o Gadri Palaiah
65. Sri K.S.Jayanna S/o Suraiah
66. Sri Somaiah S/o Kaki Obaiah
67. Sri Rajappa S/o Suraiah

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- 68. Sri T.Bojaraja S/o Pathaiah
- 69. Sri A.Shivanna S/o Ajjappa
- 70. Sri Basanna S/o Nagaiah
- 71. Sri Shankarappa S/o Sannaiah
- 72. Smt. Sanna Obamma W/o Peddaiah

All are majors
respondents 34, 36 and 60 are
residents of Obaiahahanahatty
Ramasagara, Challakere Taluk
Chitradurga District

respondent No.49 is resident of
Ballanayakanahatty, Mallurally Majure
Challakere Taluk
Chitradurga District

Other respondents are residents of
Gajganahally village, Nayakanahatti
Hobli, Challakere Taluk
Chitradurga District

- 73. The Deputy Commissioner
Chitradurga District
Chitradurga
- 74. The Tahsilder-cum-Secretary
Land Grant Committee
Challakere Taluk
Challakere
Chitradurga District

.. RESPONDENTS

(By Sri R.Bhaskar, Advocate for R-1 to R-72
Sri Kaleemulla Sheriff, Advoate for R-1 to
R-40, R-42 to R-52, R-55, R-59 to R-62 and
R-70 and R-71 and Sri N.P.Singri, HCGP for
R-73 and R-74)

This writ petition is filed under
Articles 226 and 227 of the Constitution of
India praying to quash the order of the
respondent dt. 8.8.94 vide Annexure-E and etc.

This petition coming on for
preliminary hearing in 'B' group this day, the
Court made the following:

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ORDER

The petitioners in this petition who claim to be the villagers of Gajganahally Village, Nayakanahatti Hobli, Challakere Taluk, have sought for a direction to the respondents-73 and 74 not to consider the application filed by respondents-1 to 72 to consider their application for regularisation of unauthorised occupation in Sy.Nos.80, 81, and 82 of Gajganahally village.

2. According to the petitioners the land in question is a gomal land and as such even assuming the respondents-1 to 72 are in possession of the said land, they are not entitled to seek for regularisation of their alleged unauthorised occupation of the said land. I am of the view the petitioners are not entitled for the reliefs sought for by them in this petition. Whether the claim made by respondents-1 to 72 for regularisation of their alleged unauthorised occupation of the lands in question should be made or not is a matter which is essentially required to be considered by the Committee constituted under Section 94A of the act. When the power is

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conferred on a Committee constituted under the statute it is not permissible for this Court to prevent the said Committee from disposing of the application stated to have been filed by respondents-1 to 72 seeking regularisation of their unauthorised occupation of the lands in question. However, it is open to the petitioners to raise their objections before the Committee for regularisation of the alleged unauthorised occupation of the land in question by respondents-1 to 72. All the contentions urged by the learned counsel appearing for the parties on the merits are left open to be urged before the Committee. I have no doubt in my mind if the petitioners make an application before the Committee objecting for the regularisation of the alleged unauthorised occupation of the lands in question by respondents-1 to 72, the Committee would consider the same on merits. Subject to the observation made above, this petition is rejected.



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3. Sri N.P.Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.

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Sd/-
JUDGE



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